

**Town of Geneseo Planning Board
Work Meeting Minutes
January 26, 2009
7:00 – 8:45 P.M.**

Members Present:

Dwight Folts, Chair
Tom Curtin
Hank Latorella
Marcea Clark Tetamore
Patti LaVigne
David Woods

Others:

Ron Maxwell, CEO

James Coniglio, Underberg & Kessler

Absent:

Mark Shepard

Public present:

Susan Richardson
Rudi Muller
Dawn Aprile, Premium Development Corporation

1. **Call to Order:**

Chair Folts called the work meeting to order in the board room of the Town Offices at 7:00p.m.

2. **Introduction of new Planning Board Member:**

Chair Folts introduced David Woods as the new board member to fulfill the rest of the term of Trish Jones who resigned from the board effective December 31, 2008. He stated that David Woods was the former Director of the County Planning Board for over 20 years and was recently retired and welcomed him to the board.

Chair Folts introduced James Coniglio, Underberg and Kessler who is retained by the Town as the Town Attorney. Chair Dwight Folts stated that in the future that the Planning Board would be using the Town Attorney when there was a need for an attorney to attend a meeting. He stated that the Planning Board would like to use Harris Beach as the Planning Board attorney if there were complications regarding the PDD law. He stated that Mr. Coniglio was going to draft a resolution to that effect for the Planning Board.

At this time Town Attorney James Conglio administered the oath of office for David Woods.

3. **Review of Minutes:**

It was stated that the minutes of the January 12, 2008, Planning Board meeting would be reviewed at the next meeting.

4. **Discussion regarding the location of an adult entertainment district (F district) within the Town.**

Chair Folts asked Ron Maxwell, CEO to elaborate on the status of the adult district within the town. Ron Maxwell stated that this issue had come up last year and he and his assistant, Dean O' Keefe had gone down to the area presently zoned F district and re-measured.

He stated that according to their measurements that it still worked. Chair Folts stated that if that was the case, the Planning Board would not need to do anything in regards to the adult entertainment district.

5. Presentation by Premium Development- Dawn Aprile

Dawn Aprile addressed the board to familiarize board members with the various programs that Premium Development has been involved with. She stated that Premium Development owned property, mostly raw land, in both the Towns of Geneseo and Livonia. The property she wanted to discuss at this meeting was that referred to as the Gateway District when the Town rezoned the land. She stated that for their marketing purposes they are calling the property "The Valley at Geneseo." At this time she presented a poster showing an overall concept plan for development of the property and explained the process. Several years ago, Premium Development applied to the Build Now-NY program for their 82 acre parcel in the Gateway District on Volunteer Road. This program uses the concept of "pre-permitting" to assist NY governments and economic developers to attract companies to the site(s) they are promoting by providing funding for professional services such as SEQR review, historic and archaeological surveys, engineering studies, site maps, etc. After a lengthy and in-depth application process under the Multi-Business/ Technical category, Premium Development was one of 25 sites around the state chosen and awarded Build Now-NY funding. Premium Development has also submitted an application for "shovel ready" certification and has received clearance from SHPO, NYSDEC and the Army Corp of Engineers. The only remaining clearance/sign-off needed for "shovel ready" status was from NYSDOT, who requested a more current traffic study. That study was done in December of last year. It was done to take into account a full build out to include the new Lowes store planned for the Frew property. Additionally, the Premium Development parcel is included in Livingston County's Empire Zone.

Ms. Aprile advised that a multi-faceted plan is needed to promote their parcel and these programs that Premium Development has been involved with have put them in the best position they can be in. The following issues were discussed:

She stated that while what she was presenting tonight was a concept plan it had quite a bit of detail. She stated that she envisioned an area with a similar look as Linden Oaks in Rochester. She stated that one business would be a daycare facility as a component in the development as a convenience and necessity for parents who would be working in the area. She stated that the businesses she envisions for the area include medical office space, retail, warehousing with an appropriate transition from one type of business to the next. The layouts would incorporate the existing topography and allow for a curving road.

P. LaVigne asked whether townhouses were part of the plan. D. Aprile stated that they could be. She stated that there was adjoining land in the Village that through a PRD could also be residential. D. Aprile stated that they wanted to have flexibility and that the full build out scenario as presented was quite ambitious. She stated they had the ability to tweak the designs while maintaining the fundamental plan.

David Woods asked if she intended to subdivide the property and sell or to retain ownership. D. Aprile stated that while they preferred to retain ownership and lease the property, that some national corporations required ownership of the land. She said it would be done case by case. Discussion followed as to the location of the roads. It was asked if the roads would be dedicated or would be privately owned access roads. D. Aprile stated that it would most likely be a combination of both. Jim Coniglio, Town Attorney was asked to explain the dedication process. He stated that the roads would have to be built to Town specifications in order for the Town to consider dedication. It

would then be up to the Town to determine if they would accept dedication based on volume of traffic and other issues.

Discussion followed regarding drainage for this land and the adjoining properties. It was stated that the existing pond was built to accommodate this land. It was also stated that there was no reason for the Town to accept dedication of a drainage pond. David Woods asked when the phase II stormwater plan would be done. D. Aprile stated that it would depend on the build out.

Discussion followed regarding the SEQR process. It was stated that when the Town of Geneseo rezoned the property a long form EAF was done and a negative declaration was given at that time. However, Jim Coniglio, Esq., cautioned that each new project should still be investigated as regards to SEQR.

D. Aprile expressed her hope that with understanding of these programs, the town Planning Board will feel a part of process and she encouraged board members to review her hand-outs on Build Now-NY and "shovel ready" programs, and call her with any questions.

6. **Storm Water Retention Ponds.**

Hank Latorella stated that he had researched detention and retention ponds and had found a document from the Ohio State Civil Engineering Department that had pertinent information. He followed with a power point presentation on Detention Basins and Retention ponds. The following points were discussed.

Detention basins temporarily store runoff from paved and cleared area, and allow for settling and primary filtering of large particulates. They are usually intended to periodically dry out and recover storage capacity. The porosity characteristics of the soils below the basin bottom are of particular importance to allow for slow drainage to a retention pond. The pond should ideally drain or evaporate within 5 days after flooding to prevent mosquito infestation. The outflow should be regulated to both allow adequate recovery and not flood downstream retention ponds.

Retention ponds are intended to hold rainwater that has run off cleared and paved areas and/or water from detention ponds and are not intended to dry out. They are to prevent flooding and erosion of downstream land and to reduce runoff rate to waterways.

They can remove organic and metallic pollutants by chemical and biological oxidation and precipitation (flocculation).

In order to maintain the integrity of a retention pond the following need to be done in regards to construction and maintenance.

- Establish a buffer strip of deep rooted native vegetation along the pond shore to retain soil. This requires good topsoil rather than compacted fill or clay.
- Have a gradually sloping shoreline to allow the stabilizing vegetation to grow and to protect the shoreline.
- Surround the pond with rip rap.
- Re route roof downspouts into storm water sewers or French drains rather than into parking lots, driveways or streets

In order to maintain the biological health of a pond the following need to be done:

- Avoid over-fertilization of lawn and garden areas in the watershed.
- Maintain aerobic conditions at 5ppm dissolved through surface agitation or foundations if necessary. Maintain neutral or slightly alkaline PH.
- Create low salt or no salt zones in watersheds.

- Stock with mosquito eating fish
- Discourage water fowl.

In order to maintain the esthetics the following need to be done:

- Detention basins and retention ponds must be kept clear of debris (erect a fence to catch windblown debris)
- Retention ponds can be surrounded by a park like area with trails, and can have a water feature.

Code and enforcement include the following:

- Inspection of the outlet structure periodically and after storms, for debris blockages.
- Inspection of the inlets for scour and pond shorelines for erosion. Stabilize if necessary.
- Removal of trash and debris
- During the first three years of planting, monitor and require supplemental plantings as needed to ensure good cover. Yearly inspections to be done after that.
- Removal of invasive species on shorelines.
- Test dissolved O2 for less than 5ppm.
- Test PH for acidic conditions.

7. **Riparian Areas and Setbacks.**

Chair Folts presented a power point presentation on riparian areas, the land that runs adjacent to streams and rivers. These areas may extend beyond the stream banks and are periodically influenced by flooding. When of sufficient size and vegetative cover, these areas stabilize the stream banks, reduce the impact of flooding, limit erosion and filter and settle out runoff pollutants.

The riparian setback is the necessary distance back from the waterway to protect the riparian area from the impacts of development, flooding and erosion. The determination of the setback area is based on the periodicity of water flow in the waterway and the size of the watershed upstream of any given point.

For a stream draining an area greater than 300 square miles the setback	=	300 ft/side
For a stream draining an area greater than 20 and up to 300 sq miles the setback	=	100 ft/side
For a stream draining an area greater than .5 and up to 20 sq miles the setback	=	75 ft/side
For a stream draining an area greater than .05 and up to .5 sq miles the setback	=	50 ft/side
For a stream draining an area less than .05 square miles the setback	=	25 ft/side

Exempted areas would be roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems and stream culverts. It was stated that the location of the waterways could be determined by USGS maps and/or the Town of Geneseo GIS mapping system. It was unclear however how to determine the draining area of the waterways. Streams and rivers within the Town of Geneseo include the Genesee River, Canaseraga Creek, Jaycox Creek, Fallbrook and numerous small creeks that drain into Conesus Lake or the Genesee River.

Benefits of establishing and maintaining adequate riparian setbacks:

- Restoration and maintenance of the chemical and biological integrity of the water resources and their channels.
- Reduction of flooding, erosion & property loss
- Preservation of the land lot size, shape and integrity
- Maintenance of property values

- Decrease the reliance of engineering solutions for problems caused by inadequate riparian setbacks and/ or construction in areas that should be left as riparian setbacks. Overall costs of protection of riparian areas are typically lower than expenses for restoration projects.

Regulations within the riparian setbacks:

Permitted uses:

- Recreational uses, as permitted by law to include fishing, hunting picnicking, etc.
- Removal of damaged or diseased trees
- Re-vegetation and/or reforestation with native, noninvasive plant species.

Prohibited uses are the following:

- Dredging or dumping
- Construction
- Roads or driveways
- Motorized vehicles
- Disturbance of natural vegetation with the exception of maintenance of lawns, landscaping, shrubbery or existing trees
- Parking lots
- New surface or subsurface sewage disposal or treatment areas.

Non-conforming structures and uses in the riparian setbacks (grandfather clause):

- May be continued as is, but shall not be changed or enlarged unless changed to use permitted under the regulation.
- Non –conforming structure or use existing at time of passage that has substantial damage and that is discontinued, terminated or abandoned for a period of one year or more may not be revived, restored or re-established.

In order to adopt legislation to require the establishment and maintenance of riparian setbacks the following need to occur:

- Creation of a working document;
- Review and revision of that document with input from the Planning Board and Code Enforcement office; and
- Legal review and revision to create a final document to present to the Town Board.

At this time Chair Folts asked if there were Planning Board members willing to work on the project. David Woods stated that perhaps with the four Towns in the Conesus Lake watershed that a uniform, easy to design set of regulations could be established.

8. **Adjournment:**

There being no additional business, the meeting was adjourned at 8:45 p.m.

Marcea Clark Tetamore made a MOTION to adjourn the meeting at 8:45 p.m.

Tom Curtin SECONDED the motion.

All in favor: Dwight Folts, David Woods, Hank Latorella, Marcea Clark Tetamore and Tom Curtin, Patti LaVigne.

Opposed: None.

MOTION PASSED.

Respectfully submitted,

Sarah Neal, Secretary pro tem
Town of Geneseo Planning Board
smn